G. R. S. 58 38 P
Previous references.

File No. 204

1907-8

Serial Nos. 1—6.

(Sep : Revd)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—6.

Part B. for July 08.

SUBJECT.

Stamp duty on the cheques drawn by the Mysore Govt on the Madras Bank in Bangalore.

---

1) From the comptroller. No. 5209/10369 26:

Reports for information and orders that the Agent, Madras Bank, Bangalore has intimated that under the late ruling of the Collector of the Civil and Military Station Bangalore all cheques including those drawn on the Dewan of Mysore's Office require to be stamped, and has ordered the return of all unused cheques so that he may send stamped ones.

GPB—8,000—7-4-07

2) From the same Office No. 5434/10928 7 4/08

Forwards another Communication from the Agent Madras requesting early orders on the matter

From the Comptroller No. 1100-55 5/1
8/5/4/08.

Forwards for information copies of his letter
No. 5475/Bk 1093 & 7 4/08 to the Agent, Madras
Railway, Bangalore, and his reply of the 8th Inst

4) To the F.A. Resident: No. pol 669 & 2087/08

Requests him to move the Resident
to issue orders to the Collector Coimbatore
station to recall the orders issued by
him re stamping of cheques, so that
the practice prevailing hitherto may
be left undisturbed.

5) From the F.A. Resident
No. 3524 & 7/7/08.

Forwards copy of his letter No. 3520
of the same date to the Collector Coimbatore
station intimating that the practice
hitherto prevailing in regard to
cheques issued by the Southern may
be restored.

6) To the Comptroller No. pl No 3 & 227/08

Forwards the Residency Endorsement
& the letter to the Collector Coimbatore
for information

G.R.S. 11] 1907-08

GENERAL AND REVENUE SECRETARIAT

(Sep. Rev.)

NOTES.

File. No. 204-0

FILE HEADING.

Stamp duty on the Cheques drawn on the Mysore Govt. on the Madras Bank Bangalore

From

The comptroller

No. 5209/1036 Dated 26/3/08. Received 27. 3. 06

Diary No. 3676	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Reports for information and orders that the agent Mad. Bank Bangalore has intimated that under a late ruling of the Collector of the Civil & Mily. Stn Bangalore all cheques including those drawn on the Dewan's Mysore account require to be stamped & has ordered ~~that for return~~ all unused ~~stamps~~ cheques so that he might send stamped on

NOTES AND ORDERS.

The correspondence made with the Residency in respect of stamps, were that the Govt. the stamps required for use in the C. & M. Stn of Bangalore and

NOTES—First sheet.

GPB—30,000—20-3-06.

G. R. S. 12]
General and Revenue Secretariat.

SH File No. 204 of 1907

Serial No.

and the Mysore State should be those purchased in the respective places, while no such restriction as to the place of purchase was enforced in respect of the General Stamps, under which latter head the case in question falls.

1 Copy No 879 2/7/1886 to the Resident.

Under the Govt. Of India Letter in their Notn No 785-S.R. dt 17.2.1879 issued under Sec 9 of the Indian Stamp Act-II of 1879 permitted the Stamp duty on Cheques drawn in Mysore, the Civil & Military Stn of Bangalore ..... on which the full rate of Stamp duty has been paid there, when the same is negotiated in Br. India.

2 Perhaps it was on the above authority that the Bangalore authorities did not ask for Stamp duty on cheques drawn by the Overseer on the Madras Branch in Bangalore

Note- Contn sheet.

GPB-50,00017-3-07

G. R. S. 12]
General and Revenue Secretariat.

GSh File No. 204 of 1907

Serial No.

X

The Govt. of India
No 4870-I.A. 27th Dec 1906
cited & specially para 2 of
rule 2 thereof has turned
the table & does much mischief
It is evidently upon this authority
that the Govt. the authorities
insist upon the charges
drawn by the Mysore Govt. being
stamped.

A reference to the Resident
in the matter seems therefore necessary

The Govt. advocate's opinion that the contention of the Govt authorities is correct on the ground that the exemption referred to in the Govt. of India note of the 17th Feb. 1899 applies only to the charges drawn in Mysore & upon which full rate of stamp duty is paid there & not to those exempted under the Mysore Stamp Rules. If the Govt of India Secretariat table of fees is correct it is not

B. III may also be consulted
please see Sec. B. Part III
3/8/6

W

NOTE.—Contin sheet.

GPB—50,00017—3-07

G. R. S. 12]
General and Revenue Secretariat.

File No. 204 of 1907

Serial No. 1

Jmis 142

Q.5 of the Volu.

Pages 221 & 222 of Mr. Devadhar's in force in Native States, Southern India - Madras & Mysore.

Made rules of the Govt of India No. 2502-I
dated the 5th August 1895 issued in exercise
of the powers conferred by sec 8 of the Indian
Stamp Act I of 1879 applied to the Cochin
Native State, Bangalore by Govt of India notifn
No. 2252-I dy 7/8/1883. Cheques drawn in
Mysore on which the full rate of stamp
duty has been paid those are exempted
from stamp duty when negotiated in the
Cochin State. Act I of 1879 has been
repealed by the Indian Stamp Act II of 1899.
The latter Act has been made applicable

(9) Pages 127 & 128 of the above book.

to the Cochin State also with effect
from the 1st July 1899, with the exception
of sections 59, 58 and 59, by Govt of India
notifn No. 1157-IA dy 5/5/1899, with the
proviso that all references to the Indian
Stamp Act I of 1879 in any rule or
notifn for the time being in force shall
be construed as referring to the corresponding
provisions of the Act of 1899, and that this
Act shall be subject to the provisions
of those rules and notifns. The only rules
that have since been issued for the Cochin
State under the Act of 1899 seem to
be those issued with Govt of India Notifn
No. 4870-I-A dy 7/12/06. These rules are made

NOTE—Contn sheet.

(5)

G. R. S. 12]
General and Revenue Secretariat.

874 File No. 204 of 190)

Serial No.

Same as own Travel Regn.

with reference to Secs 75 and 76 of the Act (vide Jagannatha Iyer's Digest page 458 et seq) it would therefore seem that the Govt. retain existing stamp duty on cheques drawn in Mysore remains unrepealed. The only question that then arises is, whether to claim exemption the proper stamp duty leviable on the cheques should have been paid & whether cheques drawn in the State to which Govt. is a party which are thus exempted from stamp duty Cannot come under the Category. The Govt. Advocate has given it as his opinion that they do not. With reference to this, it may perhaps be stated that the payment of stamp duty is meant only as regards documents which are by law required to be stamped. All documents to which Govt. is a party are exempted from stamp duty; so that the qualification it seems should not be made applicable to this class of documents. On this reason and from the fact that for purpose of stamp duty the C & M. Station is to be considered part of Mysore. the Dunbar is perhaps entitled to claim exemption for cheques drawn by them on a bank situate in that station as they are entitled to claim the same when drawn on a bank in Mysore. Perhaps this is a matter that will have to be settled by reference

H. Q.

NOTE—Contn sheet.

GGPB—5000—17-3-07.

G. R. S. 12]
General and Revenue Secretariat.

File No. 204 of 1907

Serial No.

The question for consideration now is whether a cheque drawn by the Mysore Govt on the Dewan's account in the Madras Bank requires to be stamped when negotiated in the C and M Station.

The practice from the year 1887 is said to have been to issue unstamped cheques. The grounds on which ~~it~~ a departure is now made and stamp duty required ~~are~~ are not stated by the C and M Station authorities but it seems to be due to the notification of the Govt of India dated the 7th Dec 1906.

X

Under notification no 2574-I. dated 5th August 1895 issued under the Stamp Act of 1879 in force in the C and M Station before the introduction of the Act of 1899, cheques drawn in Mysore on which the full rate of stamp duty had been paid in Mysore were exempt from payment of any duty when they were negotiated in the C and M

Vide Bro Com in force in Native States - Madras and Mysore - P. 222.
N

NOTE—Contn sheet.

GPB—50,000—17-3-07

G. R. S. 12]
General and Revenue Secretariat.

SR File No. 204 of 1907.

Serial No.

Station. The Act of 1899 was introduced into it by G. of I. Not: no 1159-I-A., dated 5th May 1899 and it was distinctly provided therein that all references to the Act of 1879 in any notification or rules for the time being in force in the C and M Station should be construed as referring to the corresponding provisions of the Act of 1899 and that the latter Act should be subject to the provisions of any such notifications or rules so construed. In fact, in the British Enactments in force in Native States, Madras and Mysore, issued in 1900, the Notification of 1895 is quoted as a rule under the Indian Stamp Act of 1899.

Br. Enc: in force in Native States. Madras & Mysore p. 128 (15th issue) (9)

The preamble of the Notification of the 7th Dec: 1906, states that the rules therein contained are framed in supersession of all previous rules on the subject. It is just possible that the C and M Station Authorities have

NOTE—Contn sheet.

GPB—50.000—17-8-07

G. R. S. 12]
General and Revenue Secretariat.

SR File No. 204 of 1907

Serial No.

construed this as superseding the notification of 1895 among others. Under the Act of 1899, the Govt of India have issued Not. no 785 S.R dated 17th Feb 1899 exempting cheques drawn in Mysore on which the full rate of stamp duty has been paid in Mysore, from payment of stamp duty when the same are negotiated in British India. While such is the case, it can hardly be the intention of the British Govt that such cheques should be liable to Stamp duty when negotiated in an Assigned tract like the C and M Station.

(Jag: Stamp Act p. 450 Rule 43)

One of the reasons assigned by the ~~C and M Stations~~ Govt Advocate for supporting the view taken by the C and M Station authorities is that exemption can be claimed only in respect of cheques drawn on which the full rate of stamp duty has been paid in Mysore and not in respect of those on which have been exempted from stamp duty and

NOTE—Contn sheet.

GPB—50,000—17-3-07

on which consequently no duty has been paid. It seems doubtful if this is a sound argument. The spirit of the notification and not the mere letter of it has to be taken into consideration, and cheques exempted from payment of duty under sec. 3 of the Mysore Stamps Regulation should, I think, be treated as cheques on which the full rate of stamp duty has been paid in Mysore.

It may also be considered in this connection whether Rule 2 para (2) of the notification dated ~~the~~ 7th Dec 1906 does not introduce changes in the relations between Mysore and the C and M Station as regards stamp duty, and what the effect of those changes are. It is not known whether the Mysore Govt was consulted before the issue of that notification.

Br II) 4.5.08. [illegible]

So far as the Br (II) Records the Burbar was not Consulted.

[illegible]
6/5/08

GPB—50,000—17-3-07

3833

(10)

[F. R. S. 12]
General and Revenue Secretariat.

SR File No. 204 of 1907-08.

Serial No.	
2	From the Comptroller No - 5439/1092 & 7-4-08. In continuation of pl 1, forwards a further communication received from the Agent, Bank of Madras and requests to obtain early orders in the matter of affixing stamps on the cheques drawn on the Bank of Madras, Bangalore - The file was called for by the Secretary with the references asked for and sent 8/4/08 Returned 9/4/08 WB. III. 9/4
	(1) When was this sent to Br III? (2) Why has not this been returned till now? 22/4
	(1) This was received here on 9-4-08. (2) Because it is with the Board's Secy, who has not returned it. Recalled this afternoon. 23/4/08 Sent 24/4. 25/4
3	From the Comptroller - No 5557/BR 1121-22 & 15/4/08. In continuation of pls 1 & 2, forwards for information copies of his letter No 5425/Bk 1093 & 7.4.08 & the Agent Madras Bank, Bangalore, and his reply of the 8th inst.
	To Br III 21/4/08

NOTE—Correspondence

GPB—50,000—17-3-07

3948

(16

G. R. S. 12]
General and Revenue Secretariat.

SR File No. 204 of 1907-08

Serial No.

Submitted.

20/4. Resubmitted with the addition of Para III in pursuance of these notes

Sd 6.5.08

Sec 6/5/08

Please put up a draft letter as desired

6/5/08

Sd 6.5.08

Draft submitted to Secy

Sd 7.5.08

Please put up a clean draft submit letter as desired

8/5/08

Clean draft submitted

Sd 9/5/08

Sd 9/5/08

Please let the Secretary see the draft which admits of considerable revision —

Sd 9/5/08

This was sent to G.T.W.C. as a reminder was received from the Comptr

9/5/08

Sec

9/5/08

NOTE— Contd sheet.

GPB—50,00017—3-07

3945

(12)

G. R. S. 12]
General and Revenue Secretariat.

S.R. File No. 204 of 1907

Serial No.

Draft revised & submitted to 2nd Cr.
I don't know if a reference is at all necessary. The view taken by the Customs Collector appears to be based on a too literal interpretation of the rules of 5 Aug 95 as applying only to cheques "on which the full rate of stamp duty has been paid" & as not applying to exempted cheques.
The remedy seems to be very simple & we have only to get our cheques stamped with rupee stamps — the proceeds of which accrue to the Durbar.
If the rules of 5th Aug 1895 are held by the Cus Sts authorities to have been superseded by the rules of Dec 1906 & if fully stamped cheques issued in Rupee & negotiated in the Cus Sts are also required to be newly stamped there, then it would be necessary to approach the Govt of India for the retention of the rules of 5 Aug 1895.

2nd Cr

12/5

15/5

648
16.5.08

It is a question of privilege

NOTE.—Contn sheet.

GPB—50,00017—3-07

3945

(13)

G. R. S. 12]
General and Revenue Secretariat.

S.R. File No. 204 of 190

Serial No.

and I would not lightly give it up. The precedent of stamping the cheques with our own stamps is tantamount to our foregoing the privilege. I think the Map to the Residency as altered by the Secretary may issue

Dewan)

16/5/08
& 16/5 [illegible]

Rec'd 4.01 pm

9094
20/5/08

(Sft appd)

Issue as me
SB
28/5

4. To the First Asst Resident
No. P&G69 & 28/5/08
Requests him to move the Resident to issue orders to the Collector & all station to recall the orders issued by him re: stamping of cheques, so that the practice prevailing hitherto may be left undisturbed.

NOTE– Contn sheet.

GPB – 50,00017—3-07

G. R. S. 12]
General and Revenue Secretariat.

SR File No. 204 of 1907

Serial No. 5

From The Resident
No 3524 of 7/7/08
Forwards copy of his letter no 3520 of the same date to the Collector C & M. Station intimating that the practice hitherto prevailed in regard to cheques issued by the Treasury may be followed with a draft form. Copy of the above to the Controller. The 2nd Commissioner may be glad to see the file with the letter under disposal to date

15/7/08

Second Commissioner

Seen
17-7-08

Seen HWM
20/7/08

6. To the Comptroller.
H. 363 of 23-7-08.
Forwards the Residency endorsement and the letter to the Collector C & M station for information.

Issued on
23-7-08

P.

NOTE– Contn sheet.

GPB–50,00017—3-07

No. 5209 & file
No 6036

Office of the Comptroller,
Mysore Government,
Bangalore, Dated 26th March 1908.

From

M.N.Krishna Rao, Esq., B.A.,
Offg: Comptroller of Mysore,
Bangalore.

To

C.S.Balasundaram Iyer, Esq., B.A.,
Offg: Secretary to the Government of Mysore,
General and Revenue Departments.

Sir,

I have the honour to report for information and orders of Government that the Agent of the Madras Bank, Bangalore, has intimated that under a late ruling of the Collector of the Civil and Military Station, Bangalore, all cheques including those drawn on the Dewan of Mysore's account require to be stamped with a one anna stamp and has asked me to return all unused cheques in order that he might send stamped ones.

2. The question appears to have been raised first by the Agent of the branch Bank who sent to the Collector a blank unstamped cheque for adjudication under Chapter 3 of the Indian Stamp Act (Act II of 1899) as to whether the cheque, which, in accordance with Chapter II and last para of Section 3 of the Mysore Stamp Regulations of 1900, is exempt from Stamp duty in Mysore, is liable to stamp duty on its being negotiated in the C & M Station. The Agent drew the attention of the Collector also to clause 43 of Government of India Notification No.785-S.R. dated 17th February 1899 ... which exempts cheques drawn in Mysore, on which full stamp duty has been paid there, from further stamp duty when negotiated in British India. The Collector, however held that

the

cheques referred to are liable to stamp duty when negotiated in the Civil and Military Station.

3. I consulted the Government Advocate in the matter and he is of the same opinion as the Collector.

4. So far as I can see, the cheques drawn on the Branch Bank are, for all practical purposes, similar in their nature to the requisitions made by us on the Head Office at Madras, but the requisitions themselves are not stamped. No stamps are also required for the receipts granted by this office or by the State Huzur Treasury to the Hon'ble the Resident's Treasury. If receipts on behalf of the Mysore Government for money paid to them by the British Government are valid without receipt stamps, it is not clear why such stamps should be considered necessary in the case of cheques drawn on the Government account with the Branch Madras Bank at Bangalore.

These cheques are drawn by the Mysore Government and the question of their exemption from stamp duty if negotiated in the C & M Station has perhaps some bearing on the terms of transfer of the said Station to the British Government. No information on this aspect of the question is however available in this office.

5. From the papers available in this office I am unable to trace the circumstances under which counterfoil requisitions have been prescribed for operating on the Dewan's account with the Head Office and cheques for drawings on the Branch Bank here.

6. I enclose for information copies of the correspondence as noted in the margin on the subject and beg that you will be so good as to obtain early orders of Government in the matter.

I have the honor to be,

Sir,

Your most obedient servant,

Offg: Comptroller.

V.U.C

1. Letter No.88/1839 of 4-3-08 from the Agent, Madras Bank, Bangalore to the Comptroller with copies of correspondence between Madras Bank, Bangalore and the Collector.
2. Letter No.4947/B&R.952 of 6-3-08 from himself and the Collector. Comptroller to the Agent, Madras Bank, Bangaloro.
3. Letter dated 7-3-08 from the Agent, Madras Bank, Bangalore to the Comptroller with copies of correspondence between himself and the Collector.
4. Letter No.4951/B&R.970 of 12-3-08 from the Comptroller to the Government Advocate.
5. Letter No.209 of 14-3-08 from the Govt: Advocate to the Comptroller.

(1) Letter No. 88/1839 dated 4th March 1908, from the Agent Bank of Madras, Bangalore, to the Comptroller of Mysore, Bangalore

---

I have the honour to state, that under a late ruling of the Collector, Civil and Military Station, Bangalore, all cheques including those drawn on the Dewan of Mysore Account, require to be stamped with a one anna stamp. I have therefore to propose ycu return all your un-used cheques when I shall send ycu a stamped cheque book.

---

(2) Letter No. 4847/B & R. 952 dated 6th March 1908, from the Comptroller, Mysore Government, to the Agent, Bank of Madras, Bangalore.

I have the honour to acknowledge the receipt of your No. $\frac{88}{1839}$ dated the 4th instant, stating that under a late ruling of the Collector, Civil and Military Station, Bangalore, all cheques including those drawn on the Dewan of Mysore's account, require to be stamped with one anna receipt stamp and asking the return of all unused cheques so that a stamped cheque book may be supplied.

2. The practice of issuing unstamped cheques has been in vogue from February 1887 i.e., a period of 21 years and the cheques drawn on your Bank are similar in their mature to the requisitions for payment on your Head Office, which are not stamped.

3. Before taking action in the matter, I shall be obliged by your favouring me with copies of the Collector's ruling and of the authority on which it is based to enable me to place the matter before the Mysore Government for their orders.

---

(3) Letter dated 7th March 1908, from the Agent, Bank of

4

of Madras, Bangalore, to the Comptroller, Mysore Government.

In reply to your letter B & R. 952 of yesterday's date I have the honour to enclose for your information copy of letter to the Collector, Civil and Military Station, Bangalore and his reply thereto.

Letter dated 22nd February 1908, from the Agent, Bank of Madras, Bangalore, to the Collector, Civil and Military Station, Bangalore.

I have the honour to enclose herewith a blank unstamped cheque and to request you to be so good enough to adjudicate under chapter 3 of the Indian Stamp Act (Act II of 1899) as to whether this cheque, which in accordance with chapter II and last para of section 3 of the Mysore Stamp Regulations of 1900 is exempt from the Stamp duty in Mysore, is liable to stamp duty on its being negotiated in the Civil and Military Station, Bangalore.

In this connection I would invite your attention to Government of India Notification No. 785 S.R. dated Calcutta 17th February 1899 clause No. 43 which exempts cheques drawn in Mysore, on which full stamp duty has been paid there, from further stamp duty when the same are negotiated in British India.

Letter dated 28th February 1908, from the Collector, Civil and Military Station, Bangalore, to the Agent Bank of Madras Bangalore,

---

In reply to your letter No. 88/1536 of the 22nd instant, I have the honour to inform you that in my opinion the cheques referred

referred to are liable to stamp duty, if negotiated in the Civil and Military Station of Bangalore.

"C O P I E S"

Asst. Superintendent,
Record Deptt.,
Comptroller's Office.

T.G.S.

(4).

No. 4951 / BTR970

Office of the Comptroller,
Mysore Government,
Bangalore, Dated 12th March 1908.

From

M.N.Krishna Rao, Esq., B.A.,
Offg: Comptroller of Mysore
B a n g a l o r e.

To

The Government Advocate,
Mysore Government,
B a n g a l o r e.

Sir,

I have the honour to forward herewith copy of correspondence between this office and the Agent, Bank of Madras, Bangalore, in regard to the ruling of the Collector, Civil and Military Station, that all cheques including those drawn on the Dewan of Mysore Account, require to be stamped with a one anna receipt stamp and to request that you will be so ... good as to favour me with your opinion as to the correctness or otherwise of the adjudication made by the Collector in the case of cheques drawn by the Comptroller on the Government Account with the Bank of Madras, Bangalore.

The Gazette of India, Part 1 January to June 1899, is also sent for reference and obliging return.

I have the honor to be,
Sir,
Your most obedient servant,

sd/ M. N. Krishna Rao

Offg: Comptroller.

V.U.C

"Copy" C/P

Asst. Superintendent, Record Section

(5

Letter No: 209 dated the 14th March 1908 from the Government advocate in Mysore to the Offg. Comptroller of Mysore.

In reply to your letter No: 4951/970 dated the 12th instant, I have the honor to state: That the Government of India Notification No: 785 S. R. dated the 17th of February 1899 exempts from Stamp duty any cheque drawn in Mysore when negotiated in British India if "The full rate of Stamp duty has been paid there" (i.e. Stamp duty has been paid in Mysore.). This notification does not apply to cheques which have been exempted from Stamp duty by the Mysore Government nor to cheques negotiated in the C. & M. Station, Bangalore. I, therefore, agree with the collector of C. & M. Station.

Station in thinking that the cheque in question is liable to Stamp duty if negotiated in the C. and etc. Station, Bangalore..

"Copy"

Assistant Superintendent
Records Department

D.3837 Urgent

4/87

Office of the Comptroller,
Mysore Government,
Bangalore, Dated 7 April 1908.

No. 5439/1092 E1

From

M.N.Krishna Rao, Esq., B.A.,
Offg: Comptroller of Mysore,
B a n g a l o r e.

SR 2074-07-2

To

C.S.Balasundaram Iyer, Esq., B.A.,
Offg: Secretary to the Government of Mysore,
General and Revenue Departments.

Sir

In continuation of my letter No. 5209/B&R.1036, dated 25th March 1908, on the subject of affixing stamps for the cheques drawn on the Bank of Madras, Bangalore, I have the honour to forward herewith copy of a further communication received.... from the Agent, Bank of Madras, and to request that you will be so good as to obtain the very early orders of Government on my previous reference.

I have the honor to be,
Sir,
Your most obedient servant,

M.N.Krishna Rao.
Offg: Comptroller.

V.U.C

Rec 88/25

Letter dated the 3rd April 1908 from the Agent, Bank of Madras, to the Comptroller of Mysore, Bangalore.

---:-:-:-:-:-:-:-:-:---

I have the honor to request you to return all your unus cheques, and I shall send you a stamped cheque book in exchange . otherwise under the Collector's instructions I shall be obliged t stamp all your cheques on presentation.

---:-:-:-:-:-:-:-:-:---

" C O P Y "

A Balakrishnan

Asstt: Superintendent,
Record Department,
Comptroller's Office.

T.S.

mom

D.14/14

D.3945

No. 5557 Ex

B & R. 1121-22.

Office of the Comptroller,

Mysore Government.

Dated Bangalore, the 15 April 1908.

SR 2014-07-3.

From

M.N.Krishna Rao, Esq., B.A.,

Offg: Comptroller, Mysore Government.

To

C.S.Balasundaram Iyer, Esq., B.A.,

Secretary to the Government of Mysore,

General and Revenue Departments.

Sir,

In continuation of this office No.5439-40/B&R.1092 of the 6th instant, regarding the affixing of one anna stamps to ... cheques drawn on the Bank of Madras, Bangalore, I have the honor to forward herewith for information copies of my letter No.5425/ B & R.1093 dated 7th instant to the Agent and his reply of the 8th instant.

I have the honor to be,

Sir,

Your most obedient servant,

M Krishna Rao

For Offg: Comptroller.

T.S.

Copy of Letter No. 5425/ B&R 1093, dated 7th April 1908, from the Comptroller of Mysore, Bangalore, to the Agent, Bank of Madras, Bangalore.

With reference to your letter dated the 3rd instant requesting me to send all unused cheques so that a stamped cheq book may be supplied in exchange and stating that otherwise under the Collector's instructions you would be obliged to stamp all cheques on presentation, I have the honour to state that, as, the ruling of the Collector, affects a long established practice, the matter has been placed before the Government of Mysore and I expect early orders. In the meanwhile, I beg existing practice may kindly be allowed to continue.

A Balasubramanya

Assistant Superintendent,

Record Department.

T.N

1/3

Letter No. 88/28 Dated 8th April 08 from the Agent Bank of Madras, Bangalore, to the Comptroller of Mysore, Bangalore.

I am in receipt of your letter No. 5425/1093 of 7th instant and ~~Note No. N~~ note not to stamp cheques drawn by you against the Dewan's account until I further hear from you on the subject.

"Copy"

C Balakrishnaiah

Assistant Superintendent,

Record Department.

JN

C. & S. 26]

Clearance Dept 14
204

File No. 67
Serial No 4

Diary No. of letter replied to 3676, 3833
2 3945

Secs 197

Pol No. 969.

General and Rev. Secretariat
(SR)
, the 190 .

To The P.A. Resident in Mysore

Date of issue 28-5-1905

Signed by Mr. B. S. Balasundaram

Sir,

I am directed to state that the ~~Comptroller has reported that the~~ Head of the Madras Bank, Bangalore, has intimated to the Comptroller to the Govt of Mysore ~~him~~ that under

over.

SUBJECT.

The present practice of the Collector of Cus. & Excise Bangalore all cheques drawn by the Dunbar including those drawn on the Treasury of Mysore; with the Bank.
accompanied by requisite Stamps are accepted with one account receipt Stamp.

2. If there has been the practice to issue unstamped cheques. The grounds on which the departure is now made & Stamps duly required are not stated by the Collector Cus. & Excise, Bangalore, but it is understood the Dunbar presumes, he is due to the Notification of the Govt. of India, No 4870/I A & T. dated 6th under Govt. of

— on the Bank for operating on the Dunbar's account with the bank.

List of enclosures,

Sd

Copied by

Examined by

GENERAL AND REVENUE SECRETARIAT. N

(*Continuation Sheet draft form.*)

of India Mode. No 2544 IA
of 5th Aug. 1895 issued
under the Madras
Stamp Act I of 1879
in force in the C & M. Stn
of Bangalore before
the introduction of the
Act of 1899 (II) Cheques
drawn in Mysore on
which the full rate
of Stamp duty had been
paid in Mysore were
exempt from payment
of any duty when they
were negotiated in
the C & M. Stn. Bangalore

— Act II of 1899 was
introduced into the
Cantonment Bangalore
by Govt. of India Mode. No
1159 IA of 5th May 1899

xcee it was strictly
provided therein that
all references to the
Act of 1879 in any
rule or rules for the
time being in force
in the Cantonment should
be construed as having
reference to the
corresponding provisions
of the Act of 1879 and
that the latter Act
should be subject to
the provisions of any
such notifications
or rules so construed.
The G.I. Rules of 1895
referred to above was therefore
the force of a rule

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation Sheet draft form.)

issued under the Act of 1899 and has been the Govt. of India have moreover in their Notn. No 84. 785 of the 17th Feb. 1899 issued under Sec 9. Cl. (4) of the Act of 1899. permitted the stamp duty on cheques drawn in Mysore and the Cantt. of Bangalore.... on which the full rate of stamp duty has been paid there if they are negotiated in Br. India It can therefore be hardly the intention of the Govt. of India to make such cheques which

As described in the Compilation of British Enactments in force in native States of Madras & Mysore I - (vide page 221..

are exempt from stamps
only if negotiated in
Ireland or Scotland,
only when negotiated
in the assigned tract-
like the Colonies.

It ~~is thus clear~~ does not seem
that the words of 7° Geo 6
~~cannot be held to~~ justify the
levy of the additional
one penny stamp.
Nor feel that these in question
cheques are not stamped
~~ought not~~
~~cannot~~, in the opinion
of the Bombay taxpayer
any difference exists ~~for~~ in the application of the rule
These cheques contained in Note 4 of the
they are exempted from 5 Aug 1895.
stamps only under
Sec 3 of the Bombay Stamps

which prescribes rules for the use of impressed & adhesive stamps, cancels the ~~previous~~ Notes of 5th Aug 1895 subject to which the Stamp Act of 1899 has been introduced into the Colonies, and that it justifies the levy of Stamp Duty on cheques issued by the Bombay.

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

Regulation, ~~and~~ the same principle is according to which it has been deemed expedient to except cheques which have been stamped in Bengore from payment of fresh stamp duty when negotiated in Br. India will apply with equal force to public cheques issued by the Durbar which are exempt from stamp duty.

× ×

I am to request that the above facts may be communicated to the Collector of M. Bay may be instructed to recall forthwith a notice to the

on the ground that Govt (the Durbar) would be liable to pay the duty chargeable on such Cheques. The exemption which is exactly similar to one in the Indian Stamp act of 1899 is obviously based on the fact that the stamp duties being taxes levied by Govt on certain acts, there is no object in requiring Govt to pay to itself such taxes on acts performed by itself.

If the Hon'ble the Resident concurs in the above view

It is no doubt open to the Durbar to stamp their cheques with impressed stamps so as to bring the documents under the rules interpreted, but literally interpreted, but they consider that such a course is needlessly circuitous.

GGCP—30,000—5-4-05.

the' orders issued by
him so that the c.
practice prevailing
hitherto may be kept
undisturbed. ~~I also~~

~~also to request that~~
of the money
~~by~~ in the direction of
the Bombay the Resident
~~the payment of the~~ the cheque
~~the same steps~~ should be
~~duly is Consulate~~ stamped
under the existing
I am to request that
orders a reference
may be made to the
Govt. of India so that
they may be modified
and the Bombay allowed
to retain the same

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

privileges in respect
of its public cheques
as is allowed to private
cheques presently
discounted in Mysore
but negotiated in
Br. India

Chief Cashier
1 Dy Secy
2 Dy Secy
28-5-08

No H 6230
S.A 204-07-2

Copy to Comptroller
with reference to his
Communication
enclosing with letter
No 5557/BR 1121-22 &
15/4/08

BO.

Dy Secy

Secy
9/5/08

MGOPB—30,000—5-4-05.

No. 3520 Cutcha

FROM

F. P. RENNIE, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Collector,
Civil and Military Station,
Bangalore.

Dated Bangalore, 7th July 1908.

SIR,

With reference to the enclosed copy of a letter No. 969 dated the 18th May 1908, from the Mysore Durbar, on the subject of the levy of Stamp duty, in the Civil and Military Station of Bangalore, on public cheques drawn by the Durbar in Mysore, I am directed to state that, under the exemptions allowed in Foreign Department Notification No.2544 I., dated the 5th August 1895, which is still in force in the Civil and Military Station, cheques duly stamped under the Mysore Law are not liable to fresh stamp duty in the Station. I am therefore to request that the practice prevailing hitherto in regard to cheques issued by the Durbar may be restored.

2. In this connection, I am to enclose a copy of the Government of India, Finance and Commerce Department Notification No.785/S.R., dated the 17th February 1899, remitting, under the existing Indian Stamp Act, 1899 (II of 1899), the duties in respect of certain instruments, and to request that a draft notification on similar lines may be submitted for issue under the Indian Stamp Act, 1899 (II of 1899) as in

114

force in the Civil and Military Station of Bangalore in supersession of Notification No.2544 I., dated 5th August 1895.

R.-5. 2047.

I have, etc.,

(Sd.) F. P. Rennie,

First Assistant Resident.

Vol 32 88-7-08

No. 3521

Copy is forwarded for the information of the Government of His Highness the Maharaja of Mysore, with reference to Mr. Balasundaram Aiyar's letter No. 969 dated 28th May 1908.

F P Rennie

First Assistant Resident.

S.I.

25

264/07

G.R.S. 26]

File No.

Serial No. 6

Diary No. of letter replied to 114

No. 76363

23-7-08

General and Revenue Secretariat

(SR)

, *the* 190 .

To The Secretary Revenue Board Ernakulam No 3521 dt 7/7/08 regarding the letter of the Collector Ekm-Sec

Date of issue 23rd July/08

Signed by W Mukundan

Communicated to Confirmation. Any progress with reference to this Office Secretariat No 76230/CR 264-07 dt 28/5/08

BR

over.

SUBJECT.

Confirmation 24/7/08

20/7/08

Issued 17-7-8

for Secy

Recd 17/7/08